

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

EHLICH *et al.*

Appl. No.: 10/594,177

Filed: July 8, 2004

For: **Secreted Proteins as Markers for Cell  
Differentiation**

Confirmation No.: 5698

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 2590.0050002/EJH/UWJ

**Response and Request for Reconsideration of Notification of Defective Response**

***Mail Stop PCT***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

A "371 formalities Letter" entitled "NOTIFICATION OF DEFECTIVE RESPONSE" was mailed by the Office on February 14, 2008. *Inter alia*, the notification stated that Applicants had failed to comply with the requirements set forth in the NOTIFICATION OF MISSING REQUIREMENTS with regard to the sequence listing rules ("the application clearly fails to comply with the requirements of 37 CFR. 1.821-1825").

Applicants request reconsideration of this NOTIFICATION OF DEFECTIVE RESPONSE because Applicants have complied with all of the requirements in the NOTIFICATION OF MISSING REQUIREMENTS. Applicants respectfully assert that on September 6, 2007, the following documents were submitted to the United States Patent and Trademark Office: (1) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371; (2) Preliminary Amendment and Submission of Substitute Sequence Listing Under 37 C.F.R. § 1.821(g); (3) One (1) diskette created August 27, 2007 of the written Sequence Listing, formatted for IBM-PC DOS ASCII text, containing one file: "Sequence Listing.txt" 41.3 kilobytes; and (4) Twenty-two (22) pages of paper copy of the sequence listing. A copy of the date-stamped post card is appended hereto. Furthermore, on the "Transmittal

Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371" document, Applicants checked the box that indicated that "[t]he Commissioner is authorized to charge any additional fees which may be required . . . to Deposit Account 19-0036. Thus, Applicants believe that any and all required extensions of time have been paid.

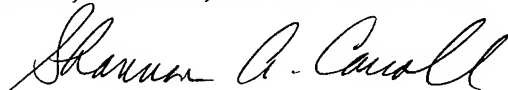
In addition, Applicants note that the above-listed documents are scanned into the file wrapper on the United States Patent and Trademark Patent Application Information Retrieval (PAIR) system. Accordingly, it is believed that the NOTIFICATION OF DEFECTIVE RESPONSE is in error and should be withdrawn.

In fulfillment of the other requirements outlined on the above NOTIFICATION OF MISSING REQUIREMENTS, Applicants filed the declaration, paid the late declaration fee surcharge, and paid the excess claims fee on August 13, 2007. Accordingly, it is believed that all requirements have been completed. Early notice of the same is respectfully requested.

It is believed that the present application is now in condition for immediate examination. Early notice to this effect is earnestly solicited. If, in the Examiner's opinion, a phone conference may expedite prosecution of this application, the Examiner is encouraged to contact Applicants' undersigned attorney at (202)371-2600.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Shannon A. Carroll, Ph.D.  
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Date: March 14, 2008

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## APPENDIX

<b>Applicants:</b>	EHlich <i>et al.</i>	<b>Due Date:</b>	NONE
		<b>Art Unit:</b>	<i>To Be Assigned</i>
<b>Application No.:</b>	10/594,177 ( <i>U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/007529</i> )	<b>Confirmation No.:</b>	5698
		<b>Examiner:</b>	<i>To Be Assigned</i>
<b>I.A. Date</b>	July 8, 2004	<b>Docket:</b>	2590.0050002/EJH/UWJ
<b>For:</b>	Secreted Proteins as Markers for Cell Differentiation	<b>Atty:</b>	EJH/UWJ

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371;
2. Preliminary Amendment and Submission of Substitute Sequence Listing Under 37 C.F.R. § 1.821(g);
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4. Twenty-two (22) pages of paper copy of the sequence listing; and
5. One (1) return postcard.



**Please Date Stamp and Return to Our Courier**

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Atty. Dkt. No. 2590.0050002/EJH/UWJ